

**BSF**BOIES  
SCHILLER  
FLEXNER

Defendant Shnaider's counsel's motion to withdraw is GRANTED. By September 28, 2018, Defendant shall either (1) retain new counsel, which shall promptly file a notice of appearance or (2) file a notice of appearance himself, indicating that he will be proceeding pro se. Under no circumstances will the Court adjourn the dates for trial, the pre-trial conference, or the deadline for pre-trial submissions. Failure to comply with this order will result in sanctions, including the entry of a default judgment against Defendant.

August 31, 2018

Hon. Richard J. Sullivan  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2104  
New York, New York 10007

SO ORDERED

Dated:

8/31/18

  
RICHARD J. SULLIVAN  
U.S.D.J.

VIA ECF and Email to: SullivanNYSDCChambers@nysd.uscourts.gov

RE: *Eduard Slinin v. Alex Shnaider*, 1:15-cv-09674 (RJS); leave to file motion to withdraw.

Dear Judge Sullivan,

We are sending this letter pursuant to your Individual Rules and Practices 2.A. and 1.A. to inform the Court that Boies Schiller Flexner LLP ("BSF") intends to file a motion to withdraw as counsel for Defendant Alex Shnaider ("Mr. Shnaider."). We are seeking your leave to file our motion due to irreconcilable differences with Mr. Shnaider regarding the payment of BSF's legal fees. We will provide additional facts supporting the motion when we file the motion.

Rule 1.16(c)(5) of the New York Rules of Professional Conduct permit an attorney to terminate an attorney-client relationship when "the client deliberately disregards an agreement or obligation to the lawyers as to expenses or fees." Under Local Civil Rule 1.4, an attorney of record "may not withdraw from a case without leave of the Court granted by order." "It is well-settled in the Eastern and Southern Districts of New York that non-payment of legal fees is a valid basis for granting a motion to withdraw pursuant to Local Civil Rule 1.4." *Melnick v. Press*, No. 06-CV-6686(JFB)(ARL), 2009 WL 2824586, at \*3 (E.D.N.Y. Aug. 28, 2009). "Attorneys are not required to represent clients without remuneration, and the failure to pay invoices over an extended period is widely recognized as grounds for leave to withdraw." *Centrifugal Force, Inc. v. Softnet Comm'n, Inc.*, No. 08CIV5463(CM)(GWG), 2009 WL 969925, at \*2 (S.D.N.Y. Apr. 7, 2009).

Trial in this matter is currently set to begin on December 3, 2018 with a pre-trial conference scheduled for November 30, 2018, and the submission of proposed pre-trial orders by November 8, 2018. With more than three months before trial is set to begin, Mr. Shnaider has sufficient time to retain new counsel. Furthermore, the legal rights of Mr. Shnaider and Plaintiff Eduard Slinin will not be affected by the withdrawal of BSF. If necessary, the case can be stayed to allow Mr. Shnaider additional time to find new counsel should he wish to do so.

We have contacted counsel for Plaintiff Eduard Slinin who does not have any objection to our withdrawal, but would oppose any stay as prejudicial to his client. We have also contacted Mr. Shnaider and his representatives and understand he does not object to our withdrawal.

BOIES SCHILLER FLEXNER LLP

**BSF**

For the foregoing reasons, we respectfully request the Court's permission to file a motion to withdraw as counsel for Defendant Alex Shnaider.

Sincerely,

/s/Karen C. Dyer

Karen C. Dyer

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